UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,836	10/12/2001	Charles Eric Hunter	**OO-0034	2310

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 July 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *31-49 and 51* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *31-49 and 51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The examiner is in receipt of applicant's response to office action mailed 1/2/2008, which was received 7/2/2008. Acknowledgement is made to the amendment to claims 31,33-38,40-49 and 51. Applicant's amendment and remarks were carefully considered and were persuasive therefore the USC 101 and USC 112 rejections have been removed, however after further searching the following new ground of rejection on the merits necessitated by amendment follows:

Examiner's Note

Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 103

Claims 31,33,35-42,44-49 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr (US 6,999,936) in view of Airportsecurity (a group of articles 1-10 found in PTO 892), and further in view of Stowell (US 20020099579).

In regards to claim 31, the combination of Sehr, Airportsecurity and Stowell

discloses a system for expediting security checking, comprising:

an interface configured to receive orders for products, services and security clearances

that are provided by a plurality of merchants and venues (col 4, lines 13-19, Admission

Center),

> In regards to the term "security clearance"

>> …Where an explicit definition is provided by the applicant for a term, that definition will
>> control interpretation of the term as it is used in the claim. Toro Co. v. White
>> Consolidated Industries Inc., 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir.
>> 1999) (meaning of words used in a claim is not construed in a "lexicographic vacuum,
>> but in the context of the specification and drawings."). Any special meaning assigned to
>> a term "must be sufficiently clear in the specification that any departure from common
>> usage would be so understood by a person of experience in the field of the invention."
>> Multiform Desiccants Inc. v. Medzam Ltd., 133 F.3d 1473, 1477, 45 USPQ2d 1429,
>> 1432 (Fed. Cir. 1998). See also MPEP § 2111.01.

- During prosecution, claims are given their broadest reasonable interpretation:

  USPTO personnel are to give claims their broadest reasonable
  interpretation in light of the supporting disclosure. In re Morris, 127 F.3d
  1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations
  appearing in the specification but not recited in the claim should not be
  read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364,
  1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted
  "in view of the specification" without importing limitations from the
  specification into the claims unnecessarily). In re Prater, 415 F.2d 1393,
  1404-05, 162 USPQ 541, 550- 551 (CCPA 1969). See also In re Zletz, 893
  F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent
  examination the pending claims must be interpreted as broadly as their
  terms reasonably allow.... The reason is simply that during patent
  prosecution when claims can be amended, ambiguities should
  be recognized, scope and breadth of language explored, and clarification
  imposed.... An essential purpose of patent examination is to fashion claims
  that are precise, clear, correct, and unambiguous. MPEP 2106.

In this case the term "security clearance" does not have an explicit meaning defined in the specification. Therefore the examiner interprets the meaning to be any information such as profile information that may include name, picture, biometrics, third party background information, etc. that can be provided before entry at a venue and can be used to expedite clearance into a venue.

said interface configured to receive an order for a security clearance from a device

remote from said plurality of venues (Admissions center receives profile information that

is verified at the gate thus only permitting preapproved customers to enter the site,

Sehr, col 19, lines 24-65);

wherein said security clearance is applicable to a venue selected from said

plurality of venues by an individual (Sehr, col 30), and

Sehr teaches collecting biometrics and financial information from individuals

including, validating/cross checking information with third parties and collecting this

information in a database for later use at a venue check-in point to assure improved

access to a venue (col 10, lines 21-53, col 21, lines 10-65, col 26, lines 14-35 and col

28, lines 1-8), but does not specifically mention said security clearance is based on a

calculation of the risk posed by an individual and a calculation of the risk posed by any

groups associated with said individual; Applicant's specification (see US PG PUB.

20020095357, para 0146) states that "Utilizing artificial intelligence inference engines as

known in the art, any number of seemingly disassociated personal traits or travel

profiles of an individual or group of individuals attempting to gain access to public

transportation system or public venue are immediately cross-referenced and a rating of

security acceptance is generated at module 1095 and displayed on the agent's screen".

Stowell likewise teaches using an inference engine to notify remote output devices of

risk associated with an individual (para 0187). Also as noted by applicant the number of

disassociated information can be evaluated to determine risk. It would have been

obvious to a person having ordinary skill in the art at the time of the invention to include

both personal and associative traits, because it has been well established that linking a

person to a particular profile and having the information available to the security

personnel was old and well known in the art (airportsecurity7). And it would have been

obvious to a person having ordinary skill in the art at the time of the invention to include

in Sehr precalculating security risks, because this will lead to faster through-put at the

entrance gate and cut down on fraud via enhanced security by only providing additional

screening resources to higher risk individuals (airport security10, chapter 3.19 and Sehr,

col 37, lines 60-64).

a transaction module configured to rout said security clearance to a check-point

(Sehr, col 6, lines 45-55, col 13, lines 1-6, information available in a database to the

remote entrance site),

wherein said security clearance is configured to match predetermined input from

said individual at said check-point (Sehr, col 6, lines 45-55, col 13, lines 1-6, information

available in a database to the remote entrance site).

In regards to claim 33, the combination of Sehr, Airportsecurity and Stowell
teach wherein said security clearance is authenticated by a code obtained by the
individual via the interface (Sehr col 23, lines 39-48).

In regards to claim 35, the combination of Sehr, Airportsecurity and Stowell
teach wherein said security clearance is configured to be routed to a plurality of check-
points, allowing for the security clearance to apply to the plurality of check-points (Sehr,
col 10, lines 20-25, allows access through gates where access modules are located).

In regards to claim 36, the combination of Sehr, Airportsecurity and Stowell
teach including at least one security measure, wherein the at least one security
measure includes a security acceptance rating generator, wherein the security
acceptance rating generator assess the security risk of the individual (see response to
claim 31).

In regards to claim 37, the combination of Sehr, Airportsecurity and Stowell
teach wherein the security acceptance rating generator assess the security risk of the
individual based on the individual's personal information (see response to claim 31).

In regards to claim 38, the combination of Sehr, Airportsecurity and Stowell
teach wherein the security_acceptance rating generator is configured to assess the

security risk of the individual based on information provided by at least one third party to said individual and said venue (see response to claim 31).

In regards to claim 39, the combination of Sehr, Airportsecurity and Stowell teach including at least one security measure, wherein the at least one security measure includes a further verification of the individual's identity in addition to said security clearance routed to the check-point (Sehr, col 30, lines 45-63).

In regards to claim 40, the combination of Sehr, Airportsecurity and Stowell teach wherein the check-point is configured to provide access to a public venue (Sehr, col 10, lines 21-53).

In regards to claim 41, the combination of Sehr, Airportsecurity and Stowell teach wherein said security clearance <u>is configured to</u> reduce at least one security measure performed at the check- point once the individual arrives at the check-point (Sehr, col 4, lines 15-20).

In regards to claim 42, the combination of Sehr, Airportsecurity and Stowell discloses a method for streamlining security, comprising:
receiving a request at an interface for security clearance from a device remote from a venue, said interface is operable to receive requests for products, services and security clearances provided by a plurality of merchants and venues; assigning a security

clearance for a particular venue chosen from a plurality of venues by an individual and

transmitting said security clearance to said device remote from said plurality of venues,

wherein said security clearance is <u>configured to be </u>based on a calculation of the risk

posed by an individual and a calculation of the risk posed by any groups associated with

said individual; and routing said security clearance to a check-point, wherein the

calculation of the risk said individual poses to said venue is precomputed before the

entry of said individual to said venue, and wherein said security clearance allows for

expedited entry to said venue;

wherein said security clearance is configured to match predetermined input from said

individual at said check-point (see response to claim 31).

In regards to claim 44, the combination of Sehr, Airportsecurity and Stowell

teach wherein said security clearance is configured to be a code obtained by the

individual via the interface (see response to claim 33).

In regards to claim 45, the combination of Sehr, Airportsecurity and Stowell

teach wherein said security clearance is <u>configured to </u>be routed to a plurality of check-

points, allowing for said security clearance to apply to the plurality of check-points (see

response to claim 35).

In regards to claim 46, the combination of Sehr, Airportsecurity and Stowell teach wherein said security clearance includes verifying the individual's identity using a security acceptance rating generator, wherein the <u>security acceptance rating</u> generator is <u>configured to</u> assess the security risk of the individual (see response to claim 36).

In regards to claim 47, the combination of Sehr, Airportsecurity and Stowell teach wherein said security clearance <u>is configured to</u> include routing a request to said check-point to further verify the individual's identity in addition to said security clearance routed to the check-point (see response to claim 39).

In regards to claim 48, the combination of Sehr, Airportsecurity and Stowell teach wherein the check-point is <u>configured to</u> provide access to a public venue (see response to claim 40).

In regards to claim 49, the combination of Sehr, Airportsecurity and Stowell teach wherein said security clearance <u>is configured to</u> reduce at least one security measure performed at the check- point upon the individual's arrival (see response to claim 41).

In regards to claim 51, the combination of Sehr, Airportsecurity and Stowell disclose a method for expediting security by providing for the ordering of a product in the form of a security clearance comprising:

receiving from a customer a multi-digit code, wherein said multi-digit code is <u>configured</u>

<u>to be </u>related to a security clearance, wherein said security clearance <u>is configured </u>to

indicate the level of risk posed by an individual and any groups associated with said

individual;

transmitting said multi-digit code to a security clearance system, wherein said multi-

digit code was previously given to said customer by said security clearance system after

said customer had ordered security clearance for a particular venue from a plurality of

venues; and

receiving a confirmation of the customer's security clearance from said security

clearance system, wherein said confirmation is <u>configured to be </u>based at least in part

on the confirmation of the multi-digit code;

wherein said multi-digit code is configured as predetermined input from said individual

at said check-point (see response to claim 31 and 33).

Claims 32,34 and 43 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Sehr (US 6,999,936) in view of Airportsecurity (a group of

articles 1-10 found in PTO 892), in view of Stowell (US 20020099579) and further in

view of Official Notice.

In regards to claims 32 and 43, the combination of Sehr, Airportsecurity and

Stowell teach providing information to a security checkpoint, but does not specifically

mention that the information is provided by telephone. The examiner takes official

Notice that providing information over a telephone was old and well known in the art at

the time of the invention. It would have been obvious to a person having ordinary skill in

the art at the time of the invention to include in the combination of Sehr, Airportsecurity

and Stowell the use of a telephone, because this has been known to be an efficient

means of providing information.

In regards to claim 34, the combination of Sehr, Airportsecurity and Stowell

teach a code being provide to a security access gate, but does not specifically mention

that the code is a randomly generated multi-digit code. The examiner takes Official

Notice that it was old and well known at the time of the invention to provide randomly

generated multi-digit codes. It would have been obvious to a person of ordinary skill in

the art to include in the combination of Sehr, Airportsecurity and Stowell the use of a

randomly generated multi-digit code, because providing randomly generated multi-digit

code were an easy way of providing a secure code that would not be easy to guess by a

fraudulent user.

Response to Arguments

Applicant's arguments with respect to claims 31-49 and 51 have been considered

but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Mark Fadok** whose telephone number is **571.272.6755**.

The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, **Jeffrey Smith** can be reached on **571.272.6763**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

571-273-8300   [Official communications; including

After Final communications labeled

"Box AF"]

For general questions the receptionist can be reached at

571.272.3600

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you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

/Mark Fadok/
Primary Examiner, Art Unit 3625